

## ARGUMENT IN THE BEEF TRUST CASE

Bill of Government Attacked in Supreme Court.

FAILS TO ALLEGE FACTS

ATTORNEY GENERAL BEGINS HIS REPLY.

Washington, Jan. 6.—Arguments in the case of Swift & Co. against the United States, known as the beef trust conspiracy case, was begun before the supreme court of the United States today by Attorney John S. Miller of Chicago in behalf of the packers. He attacked the bill of the government as insufficient in its failure to allege facts necessary to constitute a cause of action, and said that the charges made were not facts, but conclusions of law; that the commerce charged was not interstate or foreign commerce, and that even if it were interstate commerce, the facts given constituted no violation of law.

Under Anti-Trust Act.

He said that an injunction had been prayed for and secured from the United States circuit court for the northern district of Illinois under the Sherman anti-trust act. He contended that the case presented an interference in business such as never before had been undertaken. The charges, he said, were of the most general character, and did not specify time and place. He did not believe, therefore, that the charges could stand at all, and he quoted the indictments in this whiskey case to show that charges much more specific than were here made had been regarded as insufficient.

No Bill of Particulars.

"Did you ask for a bill of particulars?" inquired Justice Harlan, and Mr. Miller replied in the negative, saying that the defendants had filed a demurrer in the case.

Mr. Miller said that if the packing industry could be interfered with as proposed in this case, the manufacturing industries could be similarly regulated, and thus you will find," he added, "the federal courts regulating a considerable part of the commerce of the country."

He contended that there was no interstate commerce involved, because the business of the packers, including the purchase of cattle and the sale of meat, was confined entirely to Chicago.

Cattle Supply Irregular.

Explaining the economic situation, Mr. Miller said the demand for fresh meat was fairly uniform and, owing to the necessity for maintaining a proper supply of an acceptable article, he said, there should be some understanding among the packers. This was a perfectly legitimate, and the government itself might properly assume this supervision. The cattle supply was not so regular as the demand, and it was fact Mr. Miller attributed the fluctuation in prices.

Mr. Moody's reply.

When Mr. Miller concluded, Attorney General Moody began. It was able, he said, to discuss the contention that the charges of the bill are not connected one with another. He said, he added, as it may, the purpose of the suit was single, and all the separate parts of the bill were interdependent for the accomplishment of that end.

He also maintained the constitutionality of the bill asking for discovery of the books of the packers, and that Mr. Moody had scarcely begun when the court adjourned until Monday.

Justice Owns Stock.

At the beginning of Mr. Miller's presentation of the case he was interrupted by Justice Holmes, who said that he held stock in the other union stockyards in Chicago and also in the Kansas City yards, and inquired if they were involved in the case.

Mr. Miller replied that they were not.

BILL FOR THE RELIEF OF DESERT LAND ENTRYMEN

(Special to The Herald.)

Washington, Jan. 6.—Senator Heyburn today introduced a bill for the relief of entrymen on lands proposed to be irrigated under the reclamation act and unable to cultivate the same and provide means of support pending the building of irrigation works. The bill recites that qualified entrymen who have heretofore or shall hereafter make bona fide entry upon lands to be irrigated under the reclamation act may, upon application and showing that water is not available for irrigating said lands, and in the absence of their entries for a period not to exceed six months during any one year, until water for irrigation is introduced into the main canals on the lands to be irrigated. A similar measure has been introduced in the house by Representative Mondell, but applicable only to enterprises in Wyoming.

ADULTERERS AND POLIGS PUT IN THE SAME CLASS

Boise, Ida., Jan. 6.—Identical bills were introduced in both houses of the legislature today making adultery and the practice of polygamy crimes. They were introduced in the house by Turner of Bingham while the polygamy measure was introduced in the senate by Crum of Nez Perce and the adultery bill by Nugent of Idaho.

The penalty fixed for polygamy is a fine of not more than \$200 and imprisonment for not more than five years, while that for adultery is imprisonment in the penitentiary for not more than three years, imprisonment in the county jail not exceeding one year, or fine not exceeding \$1,000. These measures are in line with the recommendation of Governor Gooding. They are a result of the Mormon agitation during the campaign of last year.

"Because the other man has been successful and you have not, don't attribute it all to luck; he has brains too."

Tree Tea Selected Wisdom.

The Pure Good Tea, sold in packages only

M. J. BRANDENSTEIN & CO., Importers, San Francisco

## OGDEN NEWS

OFFICE, 2484 WASHINGTON AVE.

Ogden, Saturday, Jan. 7.

## PASSING OF MRS. DAVID MCKAY

Wife of State Senator Dies Suddenly After Short Illness—Came to Utah in 1859 at Age of Nine—Widely Known and Highly Respected in Weber County.

Mrs. Jennette Evans McKay, wife of State Senator David McKay, died suddenly yesterday morning at her home in Ogden. The end came so suddenly and so entirely unexpected that her large circle of friends was shocked and startled at hearing of it.

Mrs. McKay had been ailing for some time but her illness was not considered so serious as to endanger her life. She had been attacked by persistent headaches and Thursday morning Dr. Rich of Ogden and Dr. Stansfield of Salt Lake made a special examination but they could see no immediate danger. Yesterday morning she was resting comfortably and it appears as all the more pitiful from the fact that after a life of activity and effort the fulfillment of her life's desires seemed about to be realized. The members of her family had all acquired homes near her children and other relatives. She was born Aug. 18, 1846 in Choudley, near Corn-Cold Cymmer, Wales, and was the daughter of Thomas and Margaret Evans, and was one of eight children, six of whom emigrated to America. Only two of the family survive. Mrs. Thomas Gibbons, who resides at 545 Twenty-eighth street, Ogden, is the only one of the family who is in Utah. Besides these she has many relatives in Wales and in England.

Mrs. McKay's family emigrated in 1856. They remained in the east three years and came to Ogden in 1859. Here she met David McKay, whom she subsequently married in 1867. They were among the first settlers in Ogden valley and Huntsville had until recently been her home. She was the mother of ten children, eight of whom are living. They are David O. Thomas E. Jennette, Alice, Elizabeth, William, Fay and Morgan.

MRS. JENNETTE EVANS MCKAY.

and three years; first, second and third pullet.

Oak Yards: First hen; third hen; Single Comb White Leghorns: M. J. Hewitt and second hen; first and second pullet.

Oak Yards: Second cock; third hen; second and third pullet.

A. G. Maw: Third hen.

Barf Cochins: Bantams: Foulger Bros.

All prizes: Ernest Browning, first and second fan tails and ring neck doves; William Driver: Scotch fan tail, third pair; Potter pigeons, first pair, Albert Miller, first pair saddle back fan tails; Stephen Keogh, first and second parlor tumbler.

Guinea Pigs: Ernest Browning, first pair.

MR. DEE IS PRESIDENT.

Board of Education Organizes With Former Officers.

The board of education held its first meeting of the year 1905 last night and organized by re-electing its former officers, as follows: Thomas B. Dee, president; R. S. Joyce, vice president. The election was unanimous.

Dr. E. M. Conroy, chairman of the sanitary committee, reported that there is a widespread epidemic of measles in the city and urged that the strictest measures be enforced to keep it from spreading still further. It was voted that principals be notified to issue extra precautions to see that no children are admitted to school Monday who come from homes where the disease may exist.

AD. MRS. MCKAY—OGDEN. Mrs. McKay's funeral will be held Sunday in the Huntsville meeting house at 1:30 o'clock. Ogden friends may view the remains between the hours of 2 and 3 p. m. Saturday at the residence, 201 Madison. Sunday morning at 10 o'clock the body will be taken from the residence in Ogden to the home in Huntsville, where friends may view the remains from 11:30 a. m. until 1 p. m.

Charged With Embezzlement. F. W. Jones was arrested yesterday afternoon by Patrolman Al Herriek and will likely have to face a charge of embezzlement. Jones, who is a bartender, was given charge of the arrangements of the ball held Wednesday night by the Bartenders' union. He collected about \$10 and went off on a spree with the money in his pocket. Yesterday morning, according to his story, he came to his senses in Salt Lake City. He found that the money was all gone excepting a few dollars, but that he had a return ticket to Ogden. He boarded the train and came back to the Junction City, intending to throw himself on the mercy of his fellow bartenders. He was arrested immediately upon his arrival and may be prosecuted.

Prepare For Burns Day. A number of Scotch people of Ogden last night in the court house for the purpose of making preparations to celebrate the birthday of Robert Burns, Jan. 25. A committee was appointed to arrange the programme, which will be suitable to the occasion. It was decided to organize a Caledonian society, but the completion of organization was deferred to a subsequent meeting.

Ogden Briefs.

Marriage licenses were issued yesterday afternoon as follows: A. L. Hansen, aged 26, and Grace May Scott, 22, both of Layton; George A. Evans, 22, of Layton, and Elsie West, 21, of South Weber.

Willis Brown, the founder of the anti-cigarette league, will lecture Monday evening at the Ogden Tabernacle, and will continue the work of the organization of the league commenced by him on the occasion of his last visit. He will also speak Sunday evening at the First Methodist church.

Bernard Foley, who has been in charge of a pumping station for the Southern Pacific at Promontory Point, on the Ogden-Larch cut-off, left yesterday morning with his family for California.

Judge Howell held the session of the district court yesterday, taking up probate work and making a large number of routine orders.

The funeral of the late John M. Marshall was held yesterday in Pleasantville. It was one of the most largely attended services ever held in that place. The body was buried in North Ogden cemetery.

The citizens of Huntsville will meet Tuesday evening to discuss the plan of bonding the city for the construction of an electric lighting plant.

A mass meeting of Republicans held in Plain City Friday night endorsed Chris Hansen for road supervisor of Platte City and James F. Wadman for deputy assessor of Platte City; also Charles Urby as deputy assessor for Poplar.

The city council held a meeting last night for the purpose of reading and passing a number of the revised ordinances. The members got through with twelve chapters, but several meetings will be necessary before the readings can be completed.

The board of trustees of the State industrial school held a meeting last night to put the finishing touches on its report, financial, statistical and otherwise, for the year, and to make recommendations regarding the needs of the school in the future.

Herbert Stone, the boy who is at the Ogden hospital suffering from a bullet wound in the temple, received last Sunday, it is reported, a considerable improvement. The physicians think he will recover.

Robert Powers, son of O. W. Powers, was in Ogden yesterday looking after his exhibit at the Poultry show, where he

captured a number of prizes. Richard Whittemore, a member of the Salt Lake City council, was in Ogden yesterday on business.

HAVE CHARGE OF BALL.

Large Committee Named to Run Inaugural Function.

President J. L. May of the Young Men's Republican club, which will have charge of the inaugural ball to be given at the Salt Lake theatre Thursday evening, Jan. 19, has announced the membership of the committee on reception, the floor committee and the executive committee, as follows:

Reception committee—William Spry, chairman; Mr. and Mrs. Heber M. Wells, Mr. and Mrs. O. J. Salisbury, Mr. and Mrs. James T. Hammond, Arthur L. Thomas, Mr. and Mrs. M. H. Walker, Mr. and Mrs. T. G. Webster, Mr. and Mrs. C. W. Morse, Mr. and Mrs. W. H. King, Mr. and Mrs. C. S. Zane, Mr. and Mrs. H. S. Tanner, Mr. and Mrs. Frank Knox, Mr. and Mrs. Hoyt Sherman, Mr. and Mrs. Benner S. Smith, Mr. and Mrs. C. W. Penrose, Mr. and Mrs. Simon Ramberger, Mr. and Mrs. George T. Odell, Mr. and Mrs. John De Gray Dixon, Mayor and Mrs. R. P. Morris, Mr. and Mrs. W. A. Sherman, Mr. and Mrs. L. L. Lannan, Mr. and Mrs. Fisher Harris, Mr. and Mrs. Robinson, Mr. and Mrs. W. A. Miller, Mr. and Mrs. W. A. Miller, Mr. and Mrs. J. S. Bransford, Mr. and Mrs. Jacob Moritz, Mr. and Mrs. Elmer B. Jones, Mr. and Mrs. Louis Simon, Mr. and Mrs. A. L. Terry, Mr. and Mrs. Angus T. Wright, Dr. and Mrs. F. S. Bascom, Dr. and Mrs. H. D. Niles, Mr. and Mrs. S. C. Ewing, Mr. and Mrs. Baskin, Mr. and Mrs. A. Fred Wey, Mr. and Mrs. Charles De Moley, Mr. and Mrs. Ed Loose, Mr. and Mrs. W. S. Henderson, Dr. and Mrs. A. S. Condon, Mr. and Mrs. F. J. Hewlett, Mr. and Mrs. D. H. Porter, Mr. and Mrs. Joseph E. Jennings, Mr. and Mrs. L. H. Farnsworth, Mr. and Mrs. W. S. McCormick, Mr. and Mrs. John Henry Smith, Mr. and Mrs. Samuel Newhouse, Mr. and Mrs. W. W. Rice, Mr. and Mrs. Nelson, Mr. and Mrs. John D. Spencer, Mr. and Mrs. James A. Miner, Spencer Clawson, Mr. and Mrs. William Liebert, Mr. and Mrs.

C. E. Allen, Mr. and Mrs. E. H. Callister, Mr. and Mrs. Glen Miller, Mr. and Mrs. H. E. Booth, Mr. and Mrs. Robert S. Campbell, Mr. and Mrs. George M. Cannon, Mr. and Mrs. Louis Conn, Mr. and Mrs. C. C. Goodwin, Mr. and Mrs. David S. Murray, Mr. and Mrs. William F. James, Mr. and Mrs. J. R. Walker, Mr. and Mrs. P. O'Meara, Mr. and Mrs. Ellisworth Daggett, Mr. and Mrs. William Glassman, Mr. and Mrs. Joseph E. Caine, Mr. and Mrs. Herschel Butler, Jr., Mr. and Mrs. W. H. Thane, Mayor and Mrs. Roylance, Mr. and Mrs. Ephraim Hamer, Mr. and Mrs. J. W. Ferguson, Hon. and Mrs. T. Sanford, Mr. and Mrs. George M. Downey, Mr. and Mrs. Nephi Clayton, Mr. and Mrs. H. Dinwoodey, Jr., Hon. and Mrs. William J. Lynch, Mr. and Mrs. Thomas Weir, Mr. and Mrs. David Keith, Dr. and Mrs. James Chipman, Dr. and Mrs. H. Mayo, Mr. and Mrs. James X. Ferguson, Hon. and Mrs. James Clave, Dr. and Mrs. T. B. Beatty, Mr. and Mrs. Charles Quigley, Mr. and Mrs. C. M. Freed, Mr. and Mrs. Robert Noyes, Mr. and Mrs. Fred Turner, Mr. and Mrs. Albert Glazier, Dr. Elliott Kelly.

Floor committee—John P. Lyon, chairman; J. Wash Young, Charles H. Post, W. H. Farnsworth, Bismark Snyder, J. H. Garrett, Howard A. King, James Ingelbrecht, John N. Sharp, William H. Folland, H. S. Anderson, D. M. Haigh, Claude Y. Russell, Joseph F. McKnight, J. M. Haasmussen, L. F. Palmer, L. P. Judd, Clarence Cowan, J. C. Bartholomew, John N. Dunn, C. H. Packman, T. A. Callister, General J. M. Bowman, Arthur E. Graham.

REAL ESTATE MEN WAIT.

Will Act on Street Car Service at Annual Meeting.

The Real Estate association has discovered many additional complaints bearing on the service rendered the people of the city by the Utah Light & Railway company in the way of street car accommodations. For this reason the association has decided to take no action and make no recommendation till the annual meeting of the organization.

This meeting will be held Wednesday, Jan. 11. At this meeting, in addition, to action on the street car matter, the association will elect a full set of officers for the ensuing year.

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EAGLES IN THEIR AERIE.

Install Officers and Present a Jewel to George A. Whitaker.

Salt Lake Aerie No. 67, Fraternal Order of Eagles, at its regular meeting last night installed the following officers:

Past worthy president, George A. Whitaker; worthy president, A. G. Mahan; worthy chaplain, W. H. Luddington; worthy secretary, A. Bernstein; worthy treasurer, Del Wilson; worthy conductor, V. J. Sowadyk; worthy inside guard, George Ebert; worthy outside guard, M. M. Beaser; worthy trustees, William Herz, D. C. Stables and P. H. Riley; aerie physician, Dr. Alvah Lewis.

After the installation ceremonies the aerie, through Worthy President A. G. Mahan, presented the outgoing president, George A. Whitaker, with a past officer's jewel set with diamonds. The presentation speech of A. G. Mahan was eloquent and was very feelingly responded to by Brother Whitaker. After the presentation the lodge adjourned into social session and partook of a bountiful repast furnished by Fred Wilson, George A. Whitaker was toastmaster of the evening.

Past Worthy President A. S. Fowler responded to the toast "The Eagles in Utah and the Present Outlook."

Past Worthy President W. W. Hall told of his adventures during his attendance at the grand aerie session in Baltimore.

Worthy President A. G. Mahan told the future of the Eagles in Salt Lake, and several other members made speeches.

Professor Cook's orchestra and the Liberty quartette very pleasantly entertained the members with several vocal and instrumental selections.

DOMESTIC TRAGEDY.

Seattle, Wash., Jan. 6.—Matthew H. Connors, a former employee at the court house fired three shots at his wife this afternoon and then shot himself through the head. His wife received but a slight wound in the arm.

Connors lived until he reached the hospital. Family troubles is the cause of the trouble. Connors, who is well known here to early residents, had been drinking heavily for some time.

SALE TO BE COMPLETED.

Trenton, N. J., Jan. 6.—Judge Lansing, in the United States circuit court today, filed an order completing the sale of the properties of the United States Shipbuilding company and the Bethlehem Steel company and directing conveyances to be made to the purchasers, who are George R. Sheldon in the case of the shipbuilding company, and William C. Lane in the case of the Bethlehem Steel company.

These purchases were made in carrying out the plan of reorganization of the shipbuilding company. The order does not fix the fee or compensation of former United States Senator James Smith, sr., as receiver of the shipbuilding company. The disposition of the proceeds, with the exception of Mr. Smith's compensation and some minor expenses, is provided for in the order.

PROSECUTION WEAKENED.

(Special to The Herald.)

Washington, Jan. 6.—Attorney Robert W. Taylor of the anti-trust case, was today appointed a federal judge.

Did you get up with a headache?

Bad taste in your mouth? Not much appetite for breakfast?

Tongue coated? Then you have too much bile in your system.

Wake up your liver and get rid of some of this bile. Ayer's Pills! Ayer's Pills! Sold for over sixty years.

J. C. Ayer & Co., Lowell, Mass.

The Paris Millinery Co. The Paris Millinery Co. The Paris Millinery Co.

The Values Offered in Our Great January

# CLEARANCE SALE

## ARE UNMATCHABLE

THESE ARE SOME OF THE ITEMS THAT HAVE MADE THIS SALE FAMOUS

The Greatest Values in Tailored Suits Ever Offered

Suits Worth up to \$12.50 for \$4.85. Suits Worth up to \$18.50 for \$7.50. All Other Suits at Half Price

The Greatest Values in Ladies' Skirts Ever Offered

Skirts Worth \$3.50 for \$1.25. Skirts Worth up to \$5.00 for \$1.95. All Other Skirts in the House at Big Reductions

The Greatest Values in Ladies' and Children's Coats Ever Offered. Every Coat in the House Has Been Reduced One Third to Half

Waists	Waists	Waists	Waists	Waists
Values up to \$1.50 in flannels, fleece-lined wash materials, and white wash waists—	Values up to \$1.75 in flannels, brilliantines, satens, wash madras, etc., all colors and sizes—	Values up to \$2.00 in flannels, brilliantines, value \$2.00	Values up to \$3.00. In flannels, granite cloth and brilliantines, all colors—	Values up to \$4.00. In nun's veiling, French flannel, brilliantine, cashmere, in all colors and sizes—
70c	85c	\$1.25	\$1.50	\$1.90
All Higher Priced Waists at Big Reductions	Silk Waists	Silk Waists	Silk Waists	All Higher Priced Waists in the House at Big Reductions
	Values up to \$5.00. In taffetas, peau de soie and louisine, in black and colors and all sizes—		Values up to \$6.00. In taffetas, peau de soie and louisine, in black and colors, all sizes—	
	\$2.95	\$3.95		
Handkerchiefs	Mittens	Children's Hose	Ladies' Hose	Silk Belts
50 dozen Swiss embroidered handkerchiefs, values 25c and 35c each, Great Special, 3 for—	Ladies all-wool mittens, black only, values 15c to 25c, Great Special, per pair—	Finest quality cashmere hose, absolutely fast black, sizes 8 to 9 only, regular 50c per pair, Great Special, per pair—	Ladies' fleece-lined hose, fine quality, fast black, ribbed top, value 20c, Great Special, per pair—	Ladies' fancy silk belts, in black and colors, values 50c and 45c, Special—
3 for 50c	8c	25c	12 1/2c	27c
Wrappers	Garters	Comb and Brush Sets	Silk Belts	Fur Boas
Good fleece-lined wrappers, nicely made, with plenty of material, value 55c, Clearance Price—	Kleiner's hood-on garters, fine quality, in black and colors, value 35c, Great Special—	Fancy comb and brush sets, either silver-plated or ebony, values \$3.50 to \$4.50, Great Special, per set—	Fancy silk belts, all the latest styles, in black and colors, values \$1.50 to \$2.00, Special—	Ladies' fur boas, made of selected sheared coney. Never sold regularly for less than \$2.75. Clearing Price—
50c	24c	\$1.48	\$1.23	\$1.65
Eiderdown Robes	Sateen Underskirts	Children's Dresses	Sateen Underskirts	Knit Skirts
Ladies' eiderdown robes, value up to \$7.00. TO CLOSE OUT—	Ladies' sateen underskirts, well made of good material. A fine value at 50c. A GREAT SPECIAL AT—	Made of good materials in the latest styles. Regular price \$2.25. A GREAT SPECIAL AT—	Made of extra heavy sateen. The kind that usually sells for \$2.35. Our regular price \$1.75. A GREAT SPECIAL—	Heavy knit skirts for ladies. Well made in black and colors. Value \$1.15. A GREAT SPECIAL—
\$2.95	50c	\$1.35	\$1.35	70c
33 1-3 per cent off on all Fancy Neckwear at 75c and above	"The Paris"			
	Finest Quality Satin Taffeta Ribbons			
	5 INCHES WIDE, ALL COLORS, VALUE 40c per Yd. A GREAT SPECIAL AT—			
	20c			